

04772 U.S. PTO  
012304**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	4002-3456/PC261.21
First Inventor	Thomas Zdeblick
Title	METHODS AND INSTRUMENTS FOR INTERBODY FUSION
Express Mail Label No.	EV394105703US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ \*Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 61]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]  
☐ Informal ☒ Formal
5. Oath or Declaration [Total Pages 3]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:


☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10/213,864 filed 8/7/02 which is a DIV of USSN 09/781,589 filed 2/5/01 which is a DIV of USSN 09/014,901 filed 1/28/98 which is a CIP of USSN 08/604,874 filed 2/22/96 which is a CIP of USSN 08/411,017 filed 3/27/95.

Prior application information: Examiner: Alvin J. StewartGroup / Art Unit: 3738

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number: ☐ OR ☒ Correspondence address below

Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP				
Address	Bank One Center/Tower 111 Monument Circle, Suite 3700				
City	Indianapolis	State	IN	Zip Code	46204-5137
Country	USA	Telephone	(317) 634-3456	Fax	(317) 637-7561

Name (Print/Type)	Brad A. Schepers	Registration No. (Attorney/Agent)	45,431
Signature		Date	January 23, 2004

**Express Mail Label Number EV394105703US****Date of Deposit January 23, 2004**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing paper or fee

This is collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

## Complete if Known

Application Number		New
Filing Date		January 23, 2004
First Named Inventor		Thomas Zdeblick
Group Art Unit		
Examiner Name		
Total Amount of Payment		(\$) 1,464.00
Attorney Docket Number		4002-3456/PC261.21

## METHOD OF PAYMENT

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	770
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$) 770.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
49	-20** = 29	X 18 =	522
Independent Claims	5	-3** = 2	X 86 = 172
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9 Claims in excess of 20
1201	2201	43 Independent claims in excess of 3
1203	2203	145 Multiple dependent claim, if not paid
1204	2204	43 **Reissue independent claims over original patent
1205	2205	9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 694.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

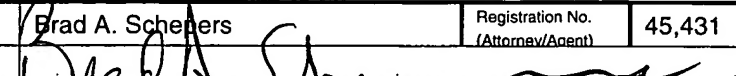
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65 Surcharge - late filing fee or oath	
1052	2052	25 Surcharge - late provisional filing fee or cover sheet	
1053	1053	130 Non-English specification	
1812	1812	2,520 For filing a request for ex parte reexamination	
1804	1804	920* Requesting publication of SIR prior to Examiner's Action	
1805	1805	1,840* Requesting publication of SIR after Examiner's Action	
1251	2251	55 Extension for reply within first month	
1252	2252	210 Extension for reply within second month	
1253	2253	475 Extension for reply within third month	
1254	2254	740 Extension for reply within fourth month	
1255	2255	1,005 Extension for reply within fifth month	
1401	2401	165 Notice of Appeal	
1402	2402	165 Filing a brief in support of an appeal	
1403	2403	145 Request for oral hearing	
1451	1451	1,510 Petition to institute a public use proceeding	
1452	2452	55 Petition to revive - unavoidable	
1453	2453	665 Petition to revive - unintentional	
1501	2501	665 Utility issue fee (or reissue)	
1502	2502	240 Design issue fee	
1503	2503	320 Plant issue fee	
1460	1460	130 Petitions to the Commissioner	
1807	1807	50 Petitions related to provisional applications	
1806	1806	180 Submission of Information Disclosure Stmt	
8021	8021	40 Recording each patent assignment per property (times number of properties)	
1809	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	385 Request for Continued Examination (RCE)	
1802	1802	900 Request for expedited examination of a design application	

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

## SUBMITTED BY

Name (Print/Type)	Brad A. Schepers	Registration No. (Attorney/Agent)	45,431	Telephone	(317) 634-3456
Signature		Date	January 23, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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